Revenue (1929). Department.

Ms SERIES.

(Order at pp 61-65 infra

G.O. No. 641

DATED 27.3.1929

Order on pp 61-65

[Despatch Abstract.]

Survey - Resurvey - (South Kanara) - Kumaki lands - Grievances of landholders - Orders passed.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	1428	Rev	28-2-28				
Go	1713	Rev	21.5.29				
Go	2550	Rev	6/12/29				
Go	396	Rev	18231				

Go MS 482 / 15.3.29

Go 147 Rev 23.1.29 O

Go 980 Rev 5.5.28 O

Go 982 Rev 9.10.05 O

Go 759 Rev 25.8.02 O

Go 81 Rev 28/29

Go 2836 Rev 5/29

Go Ms 2089 Rev 20/29

Go Ms 1316 Rev 9/29

Go Ms 865 Rev 25/29

Go 1190 Rev 30.12

L 20455 26.-
1926

Go 308 O

Go 98 Rev Ms
9/1/26 Go 219/1926

Go 987 Rev Ms
1-7-24

Go 1796 Rev
7/12/23

Go 2166 Rev O
8/8/29

Go 2169 Rev 29807 G

Mangalore,
Septr.13, 1928.

From

M.R.Ry K.R.Karant, Avl., B.A.,LL.B.,M.L.C.,
Vakil, Mangalore.

To

D.N.Strathie, Esq.,
Secretary to Government,
Revenue Department,
Fort St.George, Madras.

Sir,

Subject: G.O.No.Mis.2044 (Revenue Dept.) dated 3rd September 1928.

In pursuance of the talk we had on the 8th instant I beg to state the point for the kind consideration of Government. But before doing so I desire to express my sincere gratitude to Government for their extremely just and sympathetic disposal of most of the points raised in the Memorandum of the Land-holders' Association.

2. The only point that remains for disposal is the question of kumkis and waste lands referred to in paragraph V of the Memorandum. At the re-survey these were all surveyed and if it is only for the purpose of a compilation of list for reference for the use of Government the ryots can have no complaint. But the matter does not rest there. They are now going to be included in the pattas and the ryots are asked to pay back assessment and cesses at Re.0-1 per rupee for the past 25 years against their will. The Back Assessment Statements sent out to the villages contain such items. Now it is my humble submission that it is unjust to compel the ryot to take them on assessment and also compel him to pay the enormous back assessment aforesaid as all that the ryot enjoyed in the plot were what are known as kumki privileges. The nature of these is set out at length in paragraph V of the said Memorandum and I am

sure Government are aware of them. Compelling the ryot to pay back assessment for 25 years would suppose that he enjoyed not merely kumki privileges but also the full rights of an absolute owner in them in the past. Now this is not true. For if there are palmyrah trees in them used for extraction of toddy or jaggery he has been paying to Government annas 4 per tree called 'kumki fee' besides Rs.3/- to the Excise Department. If tree growth was cut and removed in such a plot Government has been getting income on the fuel extracted which would not be the case if the plot were not kumki but really the owner's. Again, as Government may be aware in all these years he could not cut from it classified trees. The mere enclosing of the kumki by walls which are in almost all cases old and erected prior to settlement, though repaired from time to time, should not be deemed to be in contravention of his kumki privileges as without such enclosure it is impossible to conserve the tree and leaf growth within. To compel him therefore to take the plot on assignment would be to deprive him of his time-honoured kumki privileges and would be clearly unjust. The ryot has been wrongly made to pay the survey charges for the demarcation of such plots. But I would not press this point much in the face of the larger question aforesaid.

3. The Revenue Department here has initiated dharkast proceedings in similar cases. Government in the above G.O. appear to have dealt with this question in paragraph 1 (e). But I take it that the full significance of the point has been overlooked.

4. In conclusion I beg of Government to deal with this question in the same just and liberal spirit with

which they have dealt with the other points and cancel the levy of back assessment and cesses and also the compulsory assignments of these to the ryots whether by way of re-survey or by the initiation of fresh darkhast proceedings. If any of the above points require any explanation from me I shall be glad to see the Hon. The Revenue Member and yourself when I go over to Madras for the Council sittings in October.

Yours sincerely,

K. R. Kamath

Copy to the Secretary, South Kanara,
Land-holders' Association.

KANARA LAND HOLDERS' ASSOCIATION
20 SEP 1928
MANGALORE

5

Mangalore, E 2

20th September 1928.

RECEIVED TO GOVERNMENT
21 SEP 1928
REVENUE DEPARTMENT

From,

The Honorary Secretary.

Kanara Land-holders' Association.

Gaffarkhan Tenth Street. Mangalore.

To

D. N. Strathie, Esquire,

Secretary to Government,

Revenue Department,

Fort Saint George,

Madras.

To Under Secy

The question referred to in this representation has been noted upon separately & the file was submitted to W.S on 18/9. A similar representation from him dealt with in that is awaited. This may await disposal of the main file. On return of the main file with the orders to be noted in the main file and a copy of this letter also sent to him along with the G.O. pointing in the main file

24/9/28

Sir,

Subject:- G. O. No. 2044, Revenue Department dated 3rd September 1928.

On behalf of the working Committee of my Association I desire to express our gratitude to Government for their just and sympathetic disposal of most of the points raised in our Memorandum dated the 7th May 1928. But as the orders received do not cover other points equally important, I beg to place the same before you for your kind consideration and immediate action, so that you may place them before the Government the subject regarding the assessment of Kumkies and waste lands. Other subjects will, we hope, also receive early attention, at the hands of Government and need not be further dilated upon for the present.

Sent this exactly similar to the Kanara's repres.?

25.9.28

Send a copy of this also

25/9/28

My working Committee is aware that

Mr. K. R. Karant, M. L. C. on behalf of my Association had also a personal talk with you on this matter and he will be glad to see the Hon'ble Revenue member and yourself to explain any points requiring explanations when the next Council sits next month. The other M. L. C. members of our Working Committee will also be glad to help on any points throwing light on this matter.

The subject of Kumki, and waste lands, have been referred to in para V of our Memorandum dated the 7th May 1928. At the resurvey these have been all surveyed and if it is only for the purposes of compilation of a list for reference for the use of Government the ryots have no complaint. But the matter does not rest there. They are now to be compulsorily included in the pattas and ryots have been asked to pay back assessment with cesses at 1 anna nine pies per rupee for the past 25 years against their will. The back assessment statements sent out to the villages contain such items. Now it is our humble submission that it is highly unjust to compel a ryot to take these lands on assessment with 25 years' back penal assessment for these lands, the privileges and usufruct over which has been utilised for the better cultivation of assessed lands, from time immemorial and thus lead to a double tax for the cultivated lands. The Association begs to point out that the physical features and climate unlike those of the east coast, demand the conservation of waste land for leaf manure, fuel and water for agricultural

purposes, unassessed for all time, unless and until the ryot is going to reclaim it and bring it under cultivation, when the ordinary law of the land prevailing from time immemorial till the last Settlement allowed the Government to claim its share of the produce as assessment.

The taxing of these wastes by compul-sion therefore runs the risk of taxing cultivated land twice over, once for the cultivated land and again for the land which supplies leaf manure for cultivation. The Association submits further that this compulsory taxation would pre-suppose the existence of full proprietory rights over waste which the ryot claims but this the Government has been unwilling to concede except for taxation purposes. The Association thinks that this double position is unjust. The Government has been in case of individuals compelling the payment of the tree tax over waste lands containing palmyra. Government's objection, if any, to the enclosure of waste lands for conserving leaf manure by preventing cattle or strangers from trespassing and injuring the growth of leaf. The present scale of assessment at double the Presidency-average for the same yield or less is pressing on the poor land-holders demands a sympathetic consideration at the hands of Government. The waste lands being appurtenant and inseparable from the cultivated land, would run the risk of being alienated to third parties by Government, if the ryot is unable to pay the penal assessment, and the chances of cultivated land

becoming fallow by setting up of rival land-holders by this compulsory assessment are great. The ---- Association hopes to deal with the scale of ------- assessment, in their general Memorial relating to the Settlement in due course, on account of the --- larger issue involved therein.

The Revenue Department has initiated darkhast proceedings in similar cases but Government in the above G. O. appear to have over-looked the same.

In conclusion our Association prays that this question may be dealt with in the same -- just and liberal spirit with which Government has dealt with other points and cancel the levy of back assessment and cesses and also the compulsory assign -ment of waste lands, whether by way of re-survey or by the initiation of fresh darkhast proceedings.

M. Shankaranarayana Rao.

:Honorary Secretary:

Revenue Department

O.M.No.2768 E/28, dated 24/9/28

Survey - Resurvey - South Kanara - Kumaki lands - Grievances of land holders - Letter from M.R.Ry. K.R. Karant Avl., M.L.C. dated 13-9-1928 - G.O.No.2044 Revenue, dated 3-9-1928.

A copy of the letter from M.R.Ry. K.R. Karant Avl., M.L.C. dated 13th September 1928 together with an extract from the memorandum on the resurvey of the old Kasaragod taluk prepared by the Working Committee of the Land Holders' Association, South Kanara, relating to "demarcation of Kumaki" are forwarded to the Board of Revenue. The Board is requested to state-

(i) whether back assessment for the 'Kumki' land enclosed by walls was collected as stated in the memorandum and in the letter from Mr.Karant read above and if so why it has been levied

for 25 years in spite of the instruc-

ions in B.P. 78 dated 8-4-09,

(E)

(ii) from whom and under what

circumstances back assessment was

collected.

The Board is also requested to

state whether 'Kumki' lands are assigned

compulsorily to ryots 'whether by way

of resurvey or by the initiation of

fresh darkhast proceedings' as complained

of in the letter from Mr. Karant read

above. The attention of the Board of

Revenue is in this connection invited

to the orders of the Government issued

in G.O.No.865 Revenue dated 7-5-1927.

p 3 of (C)

2. The Board of Revenue is also

requested to submit a copy of the in-

structions issued as a result of G.O.

No.865 Revenue, dated 7-5-1927. (S)

19.4.25

To the Board of Revenue, L.R. & S.
with a copy of the letter in the C.F.
and a copy of an extract from the
memorandum from the Working Committee
of Land Holders' Association, South
Kanara.

pp 15, 43-45

9 (A)

Dpd. by Karant

Dpr's initials 22/6/9.

C.F. 31

REVENUE DEPARTMENT.

CURRENT No. 272E

Received 25 JAN 1929 ..... 192 *Registered* 25-1-1929.

Subject.

Survey - Resurvey - (Kanara South) - Kumaki lands - Grievances of land holders - Memorial - Report submitted.

ENCLOSURES.
No. ... ...
...
Spare copies ... ...

REFERENCE No. G.4295/29-2

Station Madras. , *Dated the* 23rd January 1929.

From

The Board of Revenue, Land Revenue & Revenue Settlement, ~~Separate Revenue~~

The Hon. Mr. H.L. Braidwood I.C.S.,
Commr. of Land Rev. & Sett.

~~Execution~~ Reference.

Read the following:-

Memorandum from Government, Revenue Department, No. 2768-E/28-1, dated 24th September 1928.

REFERENCE.

With reference to the Memorandum from the Government read above the Board begs to submit copies of the reports received from the Special Settlement Officer, No. IV Party and the Collector of South Kanara and to state as follows on the several points contained in the memorandum.

2. The Special Settlement Officer reports that back assessment is levied only in cases of post settlement enclosures erected without permission as laid down in G.O.

2166 Revenue dated 8-8-1908. As regards the period for which such back assessment is levied the Special Settlement Officer in paragraph 6 of his letter states that ordinarily the period is limited to ten years and that the only exceptions to this rule are where either the occupier admits that he has been in occupation for a longer period or where there is absolutely indisputable evidence to prove his occupation for a longer period. The Special Settleme Officer also adds that, in doubtful cases the benefit of the doubt has been given to the ryots and that no ryot has been unfairly treated in the matter.

Regarding the question as to from whom back assessment is levied the Special Settlement Officer reports that it is being collected from the enjoyer whoever he is.

As regards the other question whether kumaki lands are assigned compulsorily to the ryots, the Board invites the attention of the Government to paragraph 7 of the Special Settlement Officer's report from which it will be seen that no one has been forced to accept assignment on payment of back assessment as complained by the Association.

3. Paragraph 2 of the Government Memorandum.

A copy of B.P. Mis. No. 1357 dated 20th May 1927 is submitted. The Government order in question was taken to apply to kumakis in general whether enclosed or not, and it was not understood as meaning that the treatment of isolated cases which had been occupied or enclosed during the settlement period should not be dealt with according to the existing practice.

The Special Settlement Officer, No. IV Party has since suggested the desirability of coming to a settlement of the general question at once and his suggestion has been referred to Government for orders in Board's Demi official No. 533 dated 12-10-1928.

in Cuddapah file.

24/1/29

Assistant Secretary.

To the Secretary to Government, Revenue Department with copies of the Special Settlement Officer's and the Collector's reports and of the enclosures to the Collector's report and copy of B.P. Mis. 1357 dated 20th May 1927.

J.C/23.1.1929.

CRM 1.24

17

Copy of letter from A.R. Mac Ewen Esq., M.C., I.C.S., Special Settlement Officer, Party No. IV, Cannanore, No. R.O.C. 524/B&C/28-1, dated 9-11-1928 the Secretary to the Commissioners of Land Revenue a Settlement, Madras through the Collector of South Kanara:-

---

Settlement - Resettlement - South Kanara - Kumaki lands - Representations of certain ryots - Board's Reference G.4295/28-1, dated 1-10-1928.

In dealing with the representations made by t Landholders' Association on the subject of kumaki, I do not think that it is necessary to deal at length with the nature of kumaki itself. The subject was thoroughly thrashed out at the settlement, and it ha been made clear to the ryots that the use of kumaki land is a privilege granted by Government with a vie to assisting the cultivation of kadim fields - not a right, as the Landholders' Association still terms it - and that any extension of occupation into kumak fields will be treated as an encroachment. But it does seem essential to start by repeating what has been the attitude of Government for many years past, as the complaints of the Association turn on this very important question of the occupation of kumaki.

para 2 of G.O. No. 513 8-6-1901 (B)

2. I ought also to say, at the start, that in thi as in every other matter affecting the general treatment of kumaki, the settlement staff has through out worked according to the rules of the district, as ascertained from the Collector. As I am reporting in connection with the recent orders of Government calling for an explanation of the procedure adopted in levying land value and back assessment for encroachments on assessed waste and porambokes, the impression given by the various memorials, that the

Settlement Department has invented a new method of claiming unjust dues from the ryots, is absolutely misleading. It is only because now, at resettlement, I am scrutinizing every field in every village with a view to collecting Government dues that have, for many years not been paid to Government, that the agitation against my work has started. The settlement staff, in fact, is now dealing in a short time with an increased number of cases of encroachments that are in all respects similar to those that have been dealt with - and that without protest - by the Revenue Officers during the last 20 years; and the only reason for the volume of the work that is now being carried through is that the village officers on the whole have not shown as much watchfulness as they might in the past. I submit that failure to "book" encroachments for a number of years does not estop Government, now that Government lands are being inspected in detail from claiming their proper dues.

3. This brings me to two points on which a report required, points that are allied; they are (1) the collection of back assessment for kumaki land enclosed by walls, and (2) the circumstances under which back assessment was collected. I take it that by "under what circumstances back assessment was collected" Government mean back assessment for kumaki walled enclosures only and that no detailed explanation is required of the procedure in the case of such permanent occupation of kumaki lands as houses and gardens. Permanent reclamations of this kind have always been brought to account when and if they are detected; and I think it better to leave it to the Collector to quote the various orders of the Government and the Board on this subject, if he thinks that a long-standing district practice needs any explanation. I ought, however, to say that when the nature of the occupation calls for garden rates, my staff have invariably followed the district practice

and have limited their demand, what-ever be the length of occupation, to a maximum of ten years' back assessment. As regards this class of encroachment, then, the Association is misinformed.

4. A perusal of the representations of the ryots shows that the main point at issue is the levying of back assessment on kumaki land that is enclosed by walls. In the first place, I would invite the attention of the Board to G.O. No. 2166; Revenue dated the 8th August 1908, which forbids the enclosing of kumaki except with the permission of the Tahsildar or Deputy Tahsildar. (Previously, such permission had been in the hands of the potails and it was found that this delegation of power had led to the abuse of kumaki privileges.) The ryots have without exception completely ignored the conditions laid down by Government; in the whole of the old Kasaragod taluk, not a single ryot has produced evidence before my field staff to show that he has erected walls with the permission of the revenue authorities; considering that the tendering of such evidence would at once call for a sympathetic consideration of any protest against the demand for back assessment, it is clear that the evidence does not exist. To start with, then, those ryots who have enclosed their kumaki have put themselves in the wrong.

Vide Collector's remarks at pp 2-3 of Fs No. 2166 8-8-1908 (N)

On the next point I would at once join issue with the statements of the Association. They say that they will in their kumaki solely for the "conservation of waste lands" by "conserving leaf manure, by preventing cattle or strangers from trespassing and injuring the growth of leaf." This is their pretext; their motive is entirely different. The abundance of green manure throughout the district is a feature that was stressed during the last settlement and it needs no further comment here; the damage done

:o the growth by cattle - "strangers", I need hardly
say, can climb walls if they are bent on mischief - is
negligible. I submit that the motive behind this wall-
ng of the kumaki plots is twofold. First, the ryot
still holds to the old idea, which Government have -
rebutted time and again, that his kumaki is his in the
same sense as is his occupied land; he sees no reason
for
:o ask/permission to wall it in, and past failure to
enforce the rule has fostered this attitude. Secondly,
ie hopes that gradually, as he finds time and funds, he
will be able to push his permanent occupation further
and further into the enclosure and he hopes, relying
on past experience, that this most obviously assessa-
occupation will again go unnoticed; if he can only
avoid assessment at this stage of close scrutiny, he
.s not likely to be troubled in the matter again until
next resettlement. If he is, later on, asked to pay
for his encroachment, he can at the worst only be asked
to pay back assessment for the years of occupation.
Such is the attitude, I am led to think, of the ryot
representatives.

5. It is on occupation such as this, occupation that is bounded by a permanent wall, which the occupier intends to be the permanent boundary of his gradually extending cultivation, that back assessment is and has been levied. During the Commissioner's recent tour in South Kanara I took the opportunity of showing him a number of cases of kumaki encroachments and I demonstrated to him that in many cases the ryots have not enclosed their kumaki land; the "damage" to such un-enclosed land is, to say the least of it, not so material as to meet the eye, a fact that lends weig to my argument on the motives of those ryots who do to the trouble and expense of building substantial walls. Moreover, it is a patent fact that enclosures are far more common in the more settled areas, where

pressure on the land is greater and the ryots have a greater incentive to "staking a claim" on land that might attract the notice of outsiders.

6. I have said above that occupation of kumaki land by gardens has never been charged back assessment for a longer period than 10 years. I suppose that the intention underlying this concession is to moderate the amount of the demand. Garden rate for 20 or 25 years on a substantial area of land is no small figure. The principle on which the settlement staff have been levying back assessment for dry cultivation or ordinary (non garden) occupation is that "~~originally~~ ordinarily", in the words of B.P. 78 dated the 8th April 1909, the period is limited to 10 years; the only exceptions to this rule are cases where either the occupier admits that he has been in occupation for a longer period, or where there is absolutely indisputable evidence, such for example, as the existence on the land of trees planted by the encroacher the age of which makes the period of his occupation clear. Even so, the ryot is given the benefit of the doubt in all but obvious cases. I have myself watched the orders passed in a large percentage of the cases of practically every village in the taluk and I can say without reservation that no ryot has been unfairly treated in this matter.

7. Government, further ask for information as to whether kumaki land is "compulsorily assigned" to the ryots. The allegation of the memorialists on this point is incorrect. Enclosures in kumaki that existed before the old settlement are offered to the encroacher free of back assessment; if he does not wish to take up the land, he is not compelled to do so, but the settlement staff furnish the Revenue officers with details in order that they may deal with the unauthorised encroachment. If the encroachment is done without permission and is subsequent to settlement, he is

offered the land on payment of back assessment. This assessment is Government's fair due for the period of enjoyment during which the ryot has escaped paying assessment, and payment of it is enforced in the same manner as sivoijama assessment in other districts. Here too no compulsion is used; if the ryot does not consent to the assignment the case is brought to the notice of the Revenue officers. It seems hardly necessary to say that a man who has been in occupation of land adjoining his own back-yard for some time and has spent time and money on improving it is not going to give it up and leave it for assignment to others. It would have been of interest if the memorialists had quoted a number of concrete instances of ryots who, having had to pay back assessment under the law of the land, nevertheless were unwilling to take up formally land that has been under their enjoyment for years. If such cases do exist, they have not come to the notice of my field staff.

8. Lastly, Government ask from whom back assessment has been collected. It has been collected from the enjoyer, whoever he is. If a mulgar himself cultivates his land, the demand goes to him. If he has leased it out to a mulgenidar, the latter pays; it is the mulgenidar who, under Board's Standing Order No. XV has the first claim to assignments in the kumaki attached to the occupied land that he enjoys. The fact that it is the tenant, not the mulgar, to whom occupied or enclosed kumaki land is only regarded as being attached to the kadim land while it is in fact Government waste land, and that as soon as it ceases to be unoccupied waste it must be treated on exactly the same principles as sivoijama occupation in other districts.

Copy of letter from G.W. Wells Esq., M.A., I.C.S Collector of South Kanara, No. D.Dis. 8854/28, dated 28th November 1928:-

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Survey - Resurvey - South Kanara - Kumaki lands Grievances of land holders - Letters from K.R. Karant Avl., and from the Hony. Secretary, Kanara Landholders Association - Special Settlement Officer's report submitted.

Board's Reference No.G.4295/28-1, dated 1-10-28

I submit herewith the letter R.O.C. No. 524/B&C C-28-1, dated 9-11-1928 from the Special Settlement Officer, No. IV Party, Cannanore with my remarks below

2. It is clear from the Special Settlement Officer letter that the settlement staff has throughout worked according to the district practice which was duly communicated to the Special Settlement Officer.

3. The question of assignment of kumaki house site and the levy of back assessment thereon was clearly dealt with in the Collector's circular R.C. 9263-1926 dated 15-2-1927. I enclose a copy of this circular. There were no complaints of any kind from the ryots at any time against the actual working of this circular. I am afraid the Association is under some misapprehension in the matter.

4. The procedure regarding the assignment of kumaki enclosures and the levy of back assessment thereon has been laid down in this office circular R.Dis. 5078-28 (copy enclosed). It is only the post settlement kumaki enclosures made without permission that were charged back assessment from the year of occupation. No back assessment has been charged in the case of kumakis enclosed before settlement or with permission after settlement as contemplated in G.O. No. 2166 Revenue dated 8-8-1908. Instances of permitted kumaki enclo-

aving been treated as unpermitted, owing to their aving been repaired must be very rare. This is a uestion of fact in each case. The Association have ot quoted any specific instances of the kind. Even i here are such instances, the ryots could have stated heir cases to the Special Settlement Officer and if he decision went against them, they could have sought elief in appeal to the Collector as there is a right f appeal.

R.O.C.9263-26-A5.

Proceedings of the Collector of South Canara, dated 15-2-1927.

G.J.Wells, Esquire, M.A., I.C.S.,

Assessment - back - levy - instructions.

In supersession of this office Circular Dis. No.2082 D Rev. 17 dated 12-7-17, D.Dis.1975-21-V2 - dated 20-4-21 and R.O. 8570-25-A5 dated 25-2-26, the following instructions are issued for the levy of - back assessment in darkhast and other cases.

2. There is no limitation to the recovery of revenue or cesses due to Government. The term for which back assessment or cesses may be claimed should be decided according to the merits of each case, - vide B.P. 78 I.Rev. dated 8-4-1909 communicated with this office endorsement Dis.251 R/Rev.'09 dated 4th May 1909.

3. In the case of house sites on kumaries - assessed at garden rates of assessment the maximum period for which back assessment should be levied is 10 years - vide B.P.No.Mis.826, Rs. dated 11-4-1917 communicated with this office endorsement Dis.7502 D/ Rev. 17 dated 17-4-1917.

4. In cases where the adangal rate of assessment is charged, if the party's own case is that he has been in occupation from before settlement, it is obviously equitable to make him pay the back assessment from the time of settlement. If he says twelve years back assessment should be charged for twelve - years, if it cannot be proved from the age of trees etc that the period of occupation have been longer. In contested cases where the Revenue authorities - opine that the occupation is more than ten years but

cannot

cannot prove it while the party says that it is less, back assessment should not be charged for more than 10 years.

(Sd.) C.V. Wells,

Collector.

To

All Divisional Officers, Tahsildars
Tahsildars.

Copy to Jamabandi stock file, A1, and A6 and the Huzur Sheristedar.

R.Dis. 5078-28-A5

Proceedings of the Collector of South Kanara, dated 13th June 1928.

C.G. Herbert, Esquire, M.A., I.C.S.,

Kumaki enclosures - levy of back assessment - Instructions.

The instructions for the levy of back assessment issued to para 4 of this Office Proceedings R.O.C. - 9263-26-A5 dated 15-2-27 are not applicable to Kumaki lands within presettlement kumaki enclosures. -- Kumakis within presettlement kumaki enclosures are exempt from back assessment. All kumakis within - post-settlement kumaki enclosures are liable to the levy of back assessment for the period of occupation unless the party proves that the enclosure was put up after obtaining permission.

2. In cases where the date of the enclosure is -- doubtful evidence oral or documentary the nature of enclosure and the size of the trees conserved by it should be taken into consideration in deciding -- whether it is a pre or post-settlement one.

Sd. C.G.Herbert,
Collector.

To

All Divisional Officers, Tahsildars and Dy. Tahsildars.

Copy to Jamabandi stock file A1 and A6.

Copy of B.P. Mis. 1357 dated 20th May 1927:-

Read the following:-

G.O. No. Mis. 865 Revenue dated 7th May 1927.

RESOLUTION.

Settlement - Resettlement - South Kanara - Kumaki lands - G.O. communicated.

Communicated to the Collector of South Kanara and the Special Settlement Officer, No. IV Party.

2. The Special Settlement Officer is requested to deal with the question of the treatment of kumaki lands in detail in the scheme report for the resettle of the South Kanara district.

(True Extract)

(Sd) W. Scott Brown,

Secretary.

To the Collector of South Kanara.

To the Special Settlement Officer, No. IV Party.

Copy to the Director of Survey.

V.C/24.1.29.

ASSTT. SECRETARY TO GOVT.
8-SEP 1928
REVENUE DEPARTMENT

Rev 2768 E
ms 8.9.28
E2
Ef
8.9.28

Serial }
E. No }

Previous fos
fo No 2044 Rev ds 3-9-1928
" 865 Rev ds 7-5-1927
AP 78 RR ds 8-4-1909

Survey – Resurvey – South Kanara – Kumr
Encroachments of Comd holders

Mr Kamat N.C. has been to Hon
& represented that the order below
fails to deal adequately with the
encroachments regarding Kumki referred to
in para 5 p 45 of cf. the very basis
of the arrangement is being carried for 20 years
on Kumki lands & the it amounts
to large sums. In this file we
have dealt with this point p 203 cf. & the
ds has not dealt with it.
Please note on it.

All
8.9.28

To Under Secy

In June 1926 the S.S.O. recommende
that "where the Kumaki has already bee
enclosed with a fence or a wall, the exten
actually enclosed might be assigned to
Kumakidar free of any tree value or,
if the Kumakidar was not willing to take it
the Govt. stated that on those terms, to any other person on
payment of tree value" the spot in view or
the Survey dept. could not do the face
deal with the questions requested the Board to deal with this in detail in the Scheme Re
connected with the assignment of In the face of these statements it is not clear
Kumaki land how as complained of in the memora
especially ndum " at the resurvey all such
Kumaki lands as are enclosed by

walls have been demarcated separately their rough patta granted (nos.3) to the owner of the adjacent warg land, but to the cultivating Chalgeni tenant on that land; back assessment is levied and no notice is sent even to the owner

Only wargs formed prior to fasli 1276 are allowed the Kumaki privilege. Wargs formed subsequently have no Kumaki privileges and certain ancient wargs have no kumaki privileges because they are surrounded by other wargs. At resurvey presumably back assessment has been collected in the case of certain lands regarded by the ryots as Kumaki but treated by the Survey Department as an unauthorised occupation of government assessed waste the adjacent warg being one formed after fasli 1276. Back assessment has evidently been collected (if collected) with reference to B.P. No 78 of 8-4-1909. To make the position clear an extract of Section V of the memorandum from the South Kanara Land Holders Association relating to "Kumaki" may be

vide rule 1 at p 16 of G.O (R) +
Vide p 17 of 865 (S) 7-5-19

Even so the Survey dept has no power to order assignment and collection of back assessment. The Board (A) reported that the Survey dept only prepared a list of occupiers (A) p. 86 ... BP 14.9.21 (E)

Sent to the Board and the Board may be asked to state

(1) Whether back assessment for Kumaki has been collected &

(2) from whom & under what authority.

3 A draft G.O. is submitted for approval.

12/9/28

The complaint in the memorial is that such kumaki lands as are enclosed by walls have been demarcated separately & that back assessment is levied in respect of th It is stated that the ryots have been put up such walls from times immemorial and that the walls are not of recen creation

The 'kumaki' rules do not prohibit the existence of such old walls The ~~District~~ practice in the Dt also ~~was to put not to interfere~~ was (as is seen from the Dt Circulars) not to interfere with them, but to treat those as having special privilege. If the S.S.O had treated those lands as encroachments from the mere existence ~~of the (of putting up)~~ of old walls and levied back assessmen

it is submitted his action would not be justified. If however the numerous privileges were non-existant (as suggested at p. 2 N.F.) or if those privileges had been exceeded [e.g. if the land was occupied by any person other than ~~wargdar~~ the wargdar entitled to those privileges or occupied by the wargdar himself otherwise than for the exercise of those privileges)] or if they had been newly enclosed by walls the occupation will be unauthorised; and there will be no objection to the collection of back assessment as from encroachments on ordinary Govt land. The facts of the case have therefore to be ascertained. The draft O.M. below is for approval.

vide modification in Yes, there would be now because the whole qn. has been dealt with in the scheme report (5)
DBN 14.9.28

DBN 14.9.28

14/9/28

S

a letter came in hindsight today.
I did not think this was how it went.
it is Mrs [illegible] in it.
WH
15.9.28

To Under Secy

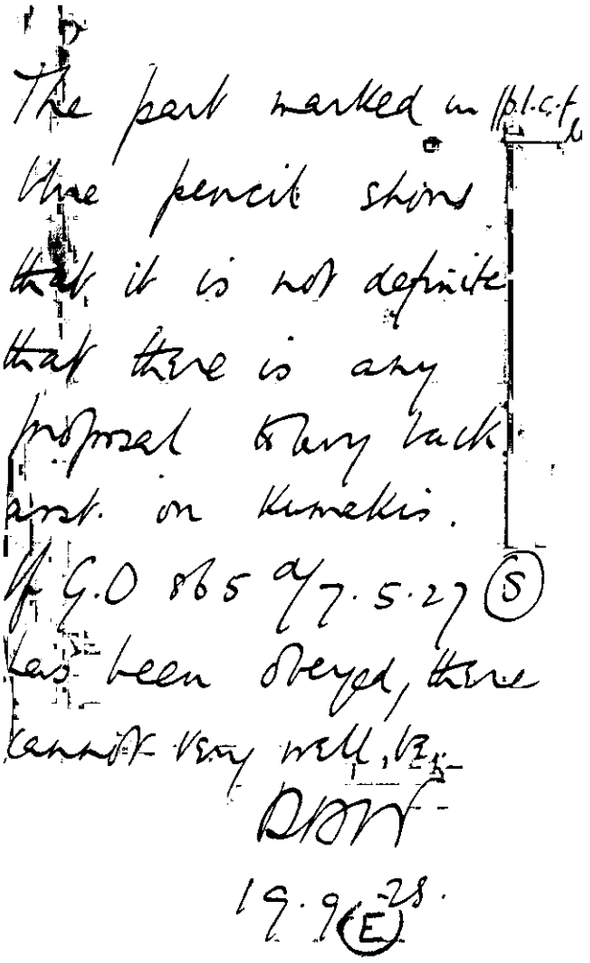
In this letter to the C.F.
Mr Karanth has raised 2 questions
(1) levy of back assessment p1 C.F.
in respect of the 'Kumkis'

(2) assigned compulsion to take the

on assignment

The notes at p

these points


The part marked in pl.c.f
that pencil shows
that it is not definite
that there is any
proposal to any back
yard on Kinnakis.
If G.O 865 of 7.5.27 (5)
has been obeyed, there
cannot very well, be

19.9.28 (E)

8" 0

Issued as Com. No 2768 E/28-1 dt 24/9/29 - pp 13 14

C No 272E/29] From the Board of Revenue pp 15-29 C.F.

-11-0 G. 4295/29-2 dt 23-1-1929.

To under Secy

Please see (1) the letters at pp 1-11 C.F.

(2) the Ctn. to the Board of Rev at pages 13-14 C.F. and

(3) the Board's reply at pp 15-29 C.F.

The questions raised in the representations at pp 1-11 C.F. are

(1) levy of back assessment in respect of kumakis;

(2) ~~power~~ levy of back assessment ~~on the cultivating ryot~~ from the cultivating ryot/tenant without any notice to the owner of the adjacent warg land, and 145 9 A

(3) alleged Compulsion to take the kumakis lands on assignment.

~~In his letter at pp 17-22 C.F.~~

the S.S.O has dealt with all these questions in detail. He has reported

(1) that Enclosures in kumaki that existed before the old settlement are offered to the encroacher free of back assessment

that with reference to the orders

(N) issued in G.O. No 2166 Rev dt 8-8-1908 in cases of enclosures in kumaki made subsequent to settlement without permission back assessment is levied; (3) that ordinarily the period for which such assessment is levied is limited to ten years and that the only exceptions to this rule are where either the occupier admits that he has been in occupation for a longer period or where there is absolute indisputable evidence to prove his occupation for a longer period; (4) that in no case is the encroacher compelled to take the land in assignment (that in cases where the ryot does not consent to the assignment the case is brought to the notice of the revenue officers; and (5) that back assessment is collected from the enjoyer whoever he is (on the analogy of the orders in B.S.O. No 15).

3 The question now for consideration is whether through the levy of back assessment in cases of post settlement enclosures without permission (though it may be justifiable with reference to the orders issued in G.O. No 2166 dt 8-8-1908) it may be postponed pending issue orders on the question of treatment of kumaki

in general. If so the Board may be informed accordingly

12/12/29

(1) The Settlement Party has been assigning kumaki lands in spite of the orders in G.O.No. 865 Revenue, dated 7-5-1927. The Board of Revenue has stated that the Government order in question was taken to apply to kumakis in general whether enclosed or not, and it was not understood as meaning that the treatment of isolated cases which had been occupied or enclosed during the settlement period should not be dealt with according to the existing practice. It is not quite clear what the Board of Revenue means. I suggest that the Government should order that the Settlement Party is not to assign any more kumaki land until further orders.

(2) The Settlement Officer has reported that if an encroachment in kumaki has been done without permission and is subsequent to settlement the encroacher is offered the land on payment of back assessment. The Board of Revenue in this connection has quoted G.O.No.2166 Revenue dated 8-8-1908. This G.O. is not, I submit, a justification for levying back assessment. The history of kumaki land has been briefly set out on pages 17-19 of G.O.No.865 Revenue 7-5-27. In view of the nature of kumaki lands and the privileges enjoyed by the wargdars perhaps it is not advisable to collect back assessment.

(3) In certain cases back assessment has been claimed for more than 10 years - please see the remarks of the S.S.O. on page 21 c.f. and

the remarks of the Board of Revenue on page 16 c.f.

(4) It is for orders whether the Government will now come to a final decision on the question of the assignment of kumaki lands or will adhere to the decision that the question should be dealt with as part of the Re-settlement Scheme Report.

DDN 5.2.29

S

The first question for decision is whether the question of the treatment of kumakis at the resettlement should be taken up and settled now or whether as has been already ordered (S) the question should be postponed to the resettlement proper. In that case the subject would be discussed in the Settlement Officer's Scheme report for the district and the orders passed would be carried out during the introduction of the resettlement.

2. That the latter course would be adopted was made clear in G.O.865 Revenue, dated 7-5-27 and the nearest approach to an intelligible explanation of the S.S.O's failure to obey the order is to be found in his D.O. dated 6-10-28 in the linked file. He there mentions that Mr.Bozman had taken up the question of assigning kumakis and refers to a conversation with H.M. The G.O. of 7-5-27 had completely ruled out, for the time being at any rate, the scheme set in motion by Mr.Bozman under the Board's orders and it is fairly evident that Mr.McEwen could have received no oral instructions sufficiently definite to warrant his breaking clean away from the G.O. The Board's present

explanation (page 16 c.f.) of the action taken i: the matter is, as U.S. says, scarcely intelligib.

3. The main argument adduced by the S.S.O. in favour of an immediate declaration as to the treatment of kumaki is that time is necessary to broadcast the scheme and that the interval betwee orders on the Scheme report and the introduction of the settlement will not provide this necessary amount of time. I doubt whether as a matter of fact any great amount of broadcasting will be required. The orders of Government are likely I think to be more liberal than those which are now being enforced and there is not likely to be any general hesitation in accepting them. It is true of course that postponement of a decision will mean that much 'supplementary' work will hav to be crowded into a short time and also that for this work the Settlement party will be going over the same ground a second time. I am not sure that this difficulty could not be met, to some extent, if the Survey party or the 'Supplementary surveyors', as the case may be, both acting under the express instructions of the S.S.O., were to survey separately all enclosed kumakis (including those merely enclosed by walls but excluding kumakis which have been already assigned by the Revenue authorities and do not require separate demarcation) and were to make a record of the exact state of all occupied kumakis - e.g. enclosed by walls, occupied by house site or the prescribed number of trees, it being stated in every case whether the occupation is pre-settlement or post-settlement. (The detailed classification would have to be prescribed by the S.S.O.). Any orders passed by Government

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could then be applied by a mere reference to the records, and the survey charges could be levied from the person to whom the kumaki is ultimately assigned. Ex hypothesi all occupied kumakis - 'occupied' being used in its widest sense - will be offered for assignment and it is not likely I think that the terms which will be offered will be at all commonly refused. In these circumstances I do not think that by doing this subdivision work in advance we shall give any colour to a belief that a general all-round free assignment of kumakis is to be a feature of the resettlement. (See what Mr.McEwan says in his D.O. at page 4 n.f. in linked file)

4. A positive reason in favour of postponement is the fact that it is difficult - if not unwise - to detach this important kumaki question from any general scheme of resettlement; the orders on this point may serve to some extent to gild the pill of resettlement. And concentrated argument in defence of this resettlement as a whole is easier than piece-meal and long-drawn contests over component items.

5. For these reasons I suggest that a course such as I have suggested in paragraph 3 above should be proposed to the Board for remarks. Meanwhile the S.S.O. should follow G.O.865 Revenue, dated 7-5-27 strictly and keep his hands off kumakis.

If on the other hand H.M. would prefer to make a declaration now about kumakis I submit that it would be desirable to get Mr. McEwan and the Commissioner here for a discussion, as there are many matters of detail that can best be settled at a meeting.

14/22/4

H.M. held a discussion to-day with Mr. McEwen, Mr. Holdsworth and myself.

A summary of the decisions reached is as follows:- (Remarks appearing in brackets are intended for guidance in drafting.)

(1) Kumaki lands in general are not the individual property of any ryot. (Define them and the 'privileges' which they carry.) There is to be no general attempt to define the limits within which individual ryots may or do exercise their kumaki privileges or to make any assignmen of kumaki land which has not been reduced to effective occupation.

(2) Kumakis which are held under effective occupation will be assigned to the actual occupant under the orders of the Special Settlement Officer. Land effectively occupied is land which has been brought under cultivation, has been occupied as a house-site, planted with trees or otherwise reduced into exclusive possession, but does not include land round which walls have been built merely for the purpose of facilitating the exercise of the normal kumaki privileges.

(3) When kumaki land is assigned it will be assessed to the rate of assessment which is appropriate to its condition at the time. No back assessment will be levied.

(4) All back assessment hitherto levied under the orders of the S.S.O. on account of the ssignment of kumakis will be refunded.

(5) All persons to whom kumakis have been

assigned on account solely of the existence of walls as described in (2) may apply to have such assignments cancelled and the resettlement records corrected accordingly. On the assignment being cancelled, any assessment paid (including of course any back assessment) will be refunded. The S.S.O. will issue a general notification to this effect. The officer in charge of the Survey Party will also notify that on receipt of orders cancelling such an assignment, the subdivision made at resurvey on account of the assignment will be deleted.

(6). (3) and (4) above apply also to assessed waste lands other than kumakis.

(7). The foregoing i.e. (2) to (6) cannot be applied to non-resurveyed areas, since the S.S.O. has been instructed not to inspect unauthorized occupations of kumakis and of assessed waste lands in those areas. It is not possible to form an idea as to the extent of occupied land which will thus go unrecorded and not assessed and whether there would be justification for directing that a special supplemental survey of such lands should be undertaken. To enable Government to form an opinion on this point the S.S.O. will be instructed to obtain from the shanbogues and submit to Government lists of such occupations in all villages, with an estimate of their area and the assessment (the rate appropriate to their condition being assumed) that would be due on them. This work should be completed with all possible speed.

Areas not resurveyed.

* verify

Draft please.

To under Secy

With reference to the Secretary's note in the margin at p 14 supra no order is traceable instructing the S.S.O. not to inspect unauthorised occupations of kumakis + of assessed waste lands. But attention is invited to Gos. No 1316 Rev dt 9-7-1927. In the Gos. the Govt directed that in Malabar only those unassessed lands in which there is reason to suspect have been brought under cultivation need be inspected. Presumably this order has been taken to apply to assessed wastes in S. Kanara also.

(SS)

And the Govt. ordered that all lands in S. Kanara should be inspected.
DDR
21.3.29

2. A draft order is submitted for approval. Subject to approval it is proposed to send a copy of the order to the Kanara Land Holders Association & to Mr Karanth.

DDR
21.3.29

DK.
20/3/29

S Lord
21/3/29

4

At the beginning of para 3 there are

(1) 2 phrases to the same effect, one should be struck out.

(2) At the end of para 4 the draft states that the S.S.O. is not to interfere with the ryot's

nidered?

Ue
22/3

(1) Answers right. Now enacted
(2) Yes. Shan hints an addition. (Shan lightened the file)

Govt
22329

Q
1. Should not be assessed assessment? — [illegible]
2. Plantations there? any sort of trees?
Mango & jack grown in S Kanara.

Ue
22/3

Cue · 22.3.29

To under Secy

In para 8 of G.O. No 757 Rev dt 25-8-1902 the Government decided that the 'Coconut, arecanut, Jack, tamarind, mango, palmyra and pepper vine should be deemed to be garden products. This has been modified in (para 3 (b) of) G.O. 147 Rev dt 23-1-1929 in which it has been ordered that 'Palmyra' and 'mango' should be excluded from the list of garden products for the purpose of the reclassification of dry lands converted into garden. Attention is in this connection invited to the portion 'A' of the S.S.O's report at page 4 and to paras 17-20 of his report at pp pp 9-11 of G.O. No 147 Rev dt 23-1-1929. He has stated that the mango tree is

~ p 218 of GO 757 25-8-1902

p 140 of (H H)

(H H)

more often than not of spontaneous growth and is absolutely of no "Commercial or Household value. It is for consideration whether for the words "planted with tree in para 4 2-(1) of the draft, the words "planted with trees (deemed to be Which are to be charged at the rate. as forest products" maybe substituted -

P.K. 23/3/24

23-3-24

Hon. Secretary

Shall adopted the amendment in the last sentence of the draft

2. The amendment at A (in the my criticism) may be adopted

23/3/24

Shall that this includes into one of the kinds of the result a legacy from the Rest. At the settlement I pollard mangoe & jack trees were taken in deciding whether Cano Samuels Claim as bagayet are to go to maintainable or not? Whether trees of commercial importance but in the forest that mangoe, jack are wild & not valuable trees in S. Kanara should similarly be

At the last sale, the folk? were classed as Garden tiles: Coconut, jakk, arecanut mango, tamarind, pepper, palmyra. It has been decided that at the next mango & palmyra shall go out: the rest remain. Steps for this recommendation proposed to include only Resett Garden tiles. Nothing is said in the report about the weaknesses of the jack. (It is certainly valuable in Malabar: Lord Knows S.K.)

LTM
15 3 29

Mr. Hyde knows if the case of the jack is a good one or whether it will be proved. He does not mind if we may be prepared to omit but does not like it before hearing from me. Please advise in the 25/3

[illegible] 27/3/29

Mr Hyde may come in but not [illegible]

28/3

Conference on 10 3 29

Two copies of a note prepared by me as instructed, below.

DDW

6/3.29

Edited copies have been sent to Mr Holdsworth and Mr MacEwen. Will Secy please mark one copy for HMC?

DDW 7.3.29

S

The copy so marked for H.M.C. has been circulated to H.M. in Box H.C. 28

WS 7.3.29.

51

Revenue Department.

Settlement--Resettlement--South Kanara--Kumaki lands.

Note for discussion on 10-3-29.

History of Kumaki lands.

1) Kumaki lands are described as Government waste lands within 100 yards of old warg land (cultivated land) in which the wargdar is allowed to enjoy privileges of grazing cattle, cutting leaves, firewood and timber for his own agricultural and domestic purposes. All wargs ~~formed~~ have not Kumaki lands attached. Only wargs formed prior to fasli 1276 are allowed the privilege. Wargs formed subsequently have noKumaki privileges and certain ancient wargs have no Kumaki privileges because they are surrounded by other wargs. These privileges are allowed subject to certain rules framed under the Forest Act, vide G.O.No.302, dated 1-7-1896.

'ara 1 of notes at pp.17--18 of G.O. in (S).
865 Rev
7.5 97.

Para 24 at page 144 of (Z).
757 Rev
25-8-02

(R)

2) In 1899 the Collector suggested that Kumaki privileges should beabolished and that ryots who wished to retain control over what was their Kumaki land should put in darkhast applications for the land.

_ ra 25 at page 145 of (Z).
757
1902

3) Reference was made to this question in the report prepared in 1905 for the introduction of settlement in the district, wherein it was suggested by the S.S.O. that Kumaki land should be assigned to the wargdars subject to assessment at the lowest dry rate of the group, provided that applications were put in within one year: at the end of that time, Kumaki land not taken up by the Kumakidars should be available for darkhast at the settlemen dry rates.

Para 41 at pp.19-20 of (F).
982
1905

4 The Board of Revenue recommended that landholders should be permitted to take up their Kumaki lands on darkhast at a rate of 4 annas per acre for the period of the settlement. The Board suggested a limit of 2 years within which period darkhast applications should be put in.

Para 2 at page 5 of G.O.No.1190, dated 30-12-1902. (XX).

5 But the Government decided in 1906 that a settlement of Kumaki lands was unnecessary and that landholders might continue to enjoy the use of the Kumaki lands under the rules approved in 1896.

G.O.No.513, dated 8-6-1906 [illegible] p.8.

Assignment of Kumaki Lands.

6 Assignment of plots of Kumaki lands since the settlement ought to have been done in accordance with the rules in B.S.O.No.15, para 40. These rules provide that on receipt of an application a notice should be served on the pattadars of tenants having Kumaki privileges over any part of the land applied for and on those who have occupied the land under sivayi-jama or hold a patta for trees on the land or have been using the water of a well in the land for cultivation. There is also a general rule that the pattadar or mulgeni tenant who is entitled to Kumaki privileges over any portion of the land applied for should be given preference over all other applicants to the extent of those privileges. There is also a rule in the B.S.O. that new enclosures of Kumaki lands should be dealt with under the darkhast rules as modified in their application to South Kanara. These rules in the B.S.O. seem to have been supplemented by [what is called] district practice. Exactly what the practi is there is no information.

B.S.O.15(40). pp.18-19 of correction slip at p.28 of B.S.O. Vol.I.

Vide c.f.

It is most important to note the orders relating to the enclosure of Kumaki lands. In

Page 4 of G.O.No.2166 dated 8-8-1908 (N)

March 1904 Mr. Couchman, when in charge of the Distric issued an order to the effect that no Kumaki lands should be enclosed and that permission to enclose Kumaki lands should not be granted. In 1907, the

P.4 (N).

Collector modified the above order so far as to allow temporary enclosure of Kumaki lands during the grass growing season. But in G.O.No.2166, Rev., dated 8-8-1908, the Government approved of the proposals of the Board of Revenue that the concession enjoyed by the ryots up to 1902 should be restored subject to certain conditions. These conditions were (i) that the permission to enclose Kumaki should be granted only by the Tahsildar or the Deputy Tahsildar, (ii) that only lands within 100 yards from the patta lands should be permitted to be enclosed, and (iii) that joint Kumakis or Kumakis over which rights of water or way are claimed by others should not be permitted to be enclosed except with the consent of all the parties concerned.

(N)

See p.p. 3-4 of G.O. No. 2166. dated 8.8.1908 (N)

See page 5 of G.O.2166 dated 8-8-1908 (N).

Now, previous to this order of 1908, the rule in the B.S.O. was that "new enclosures" ofKumaki lands should be dealt with under paragraph 24 of old B.S.O. No.15, i-e., that new enclosures of Kumaki lands shoul be dealt with as if they were unauthorised occupation of assessed lands. But in June 1908 the Collector proposed that this sentence should be amended to read 'Unauthorised enclosures of Kumaki lands should be dealt with under this paragraph'. This amendment was not specifically approved and it has not been incorporated in the B.S.O.

p.62 of Vol.II B.S.O.

p.5 of G.O. in (N)

Proposals for the treatment of Kumaki lands at re-settlement.

Preliminary proposals for the treatment of Kumaki lands at re-settlement are contained in G.O.

(S)

No.865, dated 7-5-1927. The S.S.O. stated that the existence of Kumaki lands caused considerable complications in the accounts, that it involved extra work and that it necessitated annual inspection by the Revenue Officials to see whether any crop had been raised on Kumaki lands. He also proposed that these lands should be assessed at a flat rate of annas 4 per acre and included in patta. The Collector, however, stated that the weight of public opinion was against the assessment of Kumaki lands. The Board of Revenue considered that an attempt should be made to induce the wargdars to take up the Kumaki lands on patta at a favourable rate, such privilege being offered only for a limited time. The Government, however, ordered in G.O.No.865 of 1927 that the question should be considered as part of the resettlement scheme and should be dealt with in detail in the scheme report.

p.1 of G.O. in (S)

ibid.

ibid.

Representations received from the Kanara Landholders' Association and from Mr. K.R. Karant, M.L.C.

pp.41--45 of (A) and in c.f.

The main grievances referred to on pages 41 to 45 of G.O.No.2044, dated 3-9-1928, and in the current file are as follows:--

1. That the ryots have been forced by the Settlement Party to take Kumaki lands on assignment. I gather from the context of this representation that the ryots referred to are the Kumakidars and not other encroachers to whom lands may have been assigned. The petitioners represent that Kumakidars, who have merely enjoyed Kumaki privileges and have enclosed the lands by walls but have not occupied the land by cultivation, building, etc., should not be forced to take lands on assignment. The S.S.O. has referred

to G.O.No.2166 Rev., dated 8-8-1908. He has stated that not a single ryot has produced evidence to show that he erected walls with the permission of the Tahsildar or Deputy Tahsildar. The S.S.O's action in assigning such lands was apparently in accordance with the rules in the B.S.O. and the orders in G.O. No.2166 of 1908, but there is no intelligible explanation as to why he has been assigning Kumaki lands after the orders in G.O.No.865 dated 7-5-1927.

12) 2. That back assessment has been levied from the Assignees. The S.S.O. has stated that if an encroachment is made without permission and is subsequent to settlement, the encroacher is offered the land on payment of back assessment, and that he has levided back assessment up to 10 years but that he has levied assessment for more than 10 years in cases where either the occupier admits that he had been in occupation for a longer period, or where there is absolutely indisputable evidence, which makes the period of occupation clear. The Collector's order on page 25 c.f. passed in February 1927 contemplated the levy of back assessment on Kumakis and the Collector referred to B.P.No.78 L.Rev., dated 8-4-1909. This B.P. related tp encroachments on Government waste land or poramboke. ~~There does not appear to be any authority for the levy of back~~ assessment on Kumaki lands when the land is assigned to the Kumakidar, who has been enjoying the privileges of Kumakidar for several years.

((E).
.O.No 969 dated 3-4-1917
ıthorised the levy of
ack assessment at garden
ates on respect of house
ites on Kumakis. But
t may not be desirable
o levy back

13) Questions for Discussion.

(1) Orders to be passed on the representations made by the Kanara Landholders' Association and by Mr.K.R. Karant, M.L.C.

(2) Whether the Government will issue orders on the

treatment of Kumaki lands now.]

DDH
6.3.4

G.O.Revenue dated

Representations have been made by Mr.K.R.Karant M.L.C. and by the Honorary Secretary, Kanara Landholders' Association, Mangalore,

(1) that in the South Kanara district the ryots have been forced by the Settlement Party to take Kumaki lands on assignment and

(2) that back assessment has been levied from the assignees.

In offering its remarks on these representations the Board of Revenue has suggested that orders on the general question of the treatment, at resettlement, of kumaki lands in the South Kanara district should be issued.

2. Kumaki lands are Government waste lands lying within one hundred yards of old wargs (i.e. wargs formed prior to fasli 1276) in which the wargdar is allowed to enjoy the privileges of grazing cattle, cutting leaves, firewood and timber for his own agricultural and domestic purposes. Kumaki lands in general are not the individual property of any ryot.

3. The Government have carefully considered the representations made and now issue the following instructions in regard to the treatment at the resettlement of occupied Kumakis and occupied assessed waste lands.

4. (1) No general attempt should be made at the resettlement to define the limits within which individual ryots may or do exercise their kumaki privileges or to make any assignments of kumaki land which has not been reduced to effective occupation.

(2) In areas resurveyed or to be resurveyed

(i) Kumakis which are held under effective occupation should be assigned to the actual occupant under the orders of the Special Settlement Officer

provided that there is no reasonable objection to such assignment [see 3.3.0.15 (40)]. For the purpose of this rule, land should be deemed to have been effectively occupied when it has been brought under cultivation, has been occupied as a house-site, planted with trees or with an hedges, or otherwise reduced into exclusive possession, but land round which walls have been built merely for the purpose of facilitating the exercise of the normal kumaki privileges, should not be deemed to have been effectively occupied.

(ii) When kumaki land is assigned it should be ~~xxxigned~~ assessed at the rate of assessment which is appropriate to its condition at the time. No back assessment should be levied, and no payment demanded for the value of the land.

(iii) All back assessment and land value hitherto levied under the orders of the Special Settlement Officer on account of the assignment of kumakis should be refunded.

(iv) All persons to whom kumakis have been assigned on account solely of the existence of walls as described at the ~~xnd~~ end of sub-para (i) above may apply to have such assignments cancelled and the resettlement records corrected accordingly. On the ~~xxxxgxxxxhx~~ assignment being cancelled, any assessment paid (including any back assessment) and any land value will be refunded. The Board of Revenue should issue instructions to the Special Settlement Officer to issue a general notification to this effect. The Officer in Charge of the Survey Party should also be instructed to notify that on receipt of orders cancelling such an assignment, any subdivision made at the resurvey on account of the assignment will be deleted.

(3) In areas resurveyed or to be surveyed, when assessed waste land is assigned it should be assessed at the rate of assessment which is appropriate to its condition at the time; no back assessment or land value should be levied, and all back assessment and

land value hitherto levied under the orders of the Special Settlement Officer on account of the assignmer of assessed wastes should be refunded.

(4) In areas where no resurvey has been made or will be made, the Special Settlement Officer should obtain from the village officers and submit to the Government with the least possible delay, lists of unauthorised occupations of kumakis and assessed waste lands in all villages, with an estimate of thei area and the assessment (the rate appropriate to thei condition being assumed) that would be due on them. On receipt of this information, with the remarks of the Board of Revenue, the Government will consider further the question whether any special measures should be undertaken during the resettlement for the assignment and assessment of occupied kumakis and assessed waste lands in areas which have not been and are not to be resurveyed.

To the Board of Revenue (Land Rev & Sett)
,,M.R.Ry K.R.Karant Avl.,M.L.C.
,,the Secretary, Kanara Landholders' Assn.Mangalore.

Revenue DEPARTMENT.

Scott. II-5 (b)—3,002—20-7-28. (6)

	Date.	Initials.
When received for Fair-copying.		
When copied		
When examined		
When signed		
When despatched		

READ AGAIN G.O. No. 865 dated 7-5-1927. 192 (S)

" " " " 2044 " 3-9-1928. 192 (A)

READ ALSO:—

C. No. 2842 E/28 From the M.R.Ry., K.R.Karant Ay No, , dated 13-9-1928 192
B.A., LL.B., M.L.C.,

" " " " the Honorary Secy. Kanara Landholders' Association, Mangalore. " 20-9-1928. 192

" " " " O.M. to the Board of Rev. L.R.& S., No.2768 E/28-1 dated 24-9-1928 192

" " " " From the Board of Rev. L.R.& S., Ref.G.4295/29-2 dated 23-1-1929

ORDER.

No. 661, dated 27—3. 1929.

Mis.

Representations have been made by Mr. K.R. Karant, M.L.C., and by the Honorary Secretary, Kanara Landholders' Association, Mangalore

(1) that in the South Kanara district the ryots have been forced by the Settlement Party to take Kumaki lands on assignment and

(2) that back assessment has been levied from the assignees.

In offering its remarks on these representations the Board of Revenue has

suggested that orders on the general question of the treatment, at resettlement, of kumaki lands in the South Kanara district may be issued.

2. Kumaki lands are Government waste lands lying within one hundred yards of old wargs (i-e., wargs formed prior to fasli 1276) in which the wargdar is allowed to enjoy privileges of grazing cattle, cutting leaves, firewood and timber for his own agricultural and domestic purposes. Kumaki lands in general are not the individual property of any ryot.

p. 1 of W.S's note and para 2 of G.O. 1190 dated 30-12-1912 (XX)

3. The Government have carefully considered the representation made ~~and the desirability of assigning kumaki lands. They following instructions should be observed:~~ have come to the decision that the following instructions in regard to the treatment, at the resettlement, of occupied Kumaki and waste lands

4. (1) No general attempt should be made to define the limits within which individual ryots may or do exercise their kumaki privileges or to make any assignments of kumaki land which has not been reduced to effective occupation.

(2) In areas resurveyed or to be

resurveyed

-(i) Kumakis which are held under effective occupation should be assigned to the actual occupant under the orders of the Special Settlement Officer provided that there is no reasonable objection to such assignment. For the purpose of this rule Land shall be deemed to have been ~~Land~~ effectively occupied ~~in land which~~ 1) when it has been brought under cultivation, 2) has been occupied as a house-site, 3) planted with trees or 4) otherwise reduced into exclusive possession, but ~~does not include~~ land round which walls have been built merely for the purpose of facilitating the exercise of the normal kumaki privileges shall be deemed to have been effectively occupied.

(See B.S.O. 15(40).)

(which are to be classed at the resettlement as garden products)

(ii) When kumaki land is assigned it should be assessed at the rate of assessment which is appropriate to its condition at the time. No back assessment should be levied, if the fragment demanded for the value of the land

(iii) All back assessment hitherto levied under the orders of the S.S.O. on account of the assignment of kumakis should be refunded.

(iv) All persons to whom kumakis have been assigned on account solely of the existence of walls as described in sub-para (i) above may apply to have such assignments cancelled and the resettlement records corrected accordingly. On the assignment being cancelled, any assessment paid (including any back assessment) will be refunded. The Board of Revenue should issue instructions to the S.S.O. to issue a general notification to this effect. The Officer in charge of the Survey Party should also be instructed to notify that on receipt of orders cancelling such an assignment, the subdivision made at the resurvey on account of the assignment will be deleted.

(3) In areas resurveyed or to be surveyed, assessed waste land is assigned it should be assessed at the rate of assessment which is appropriate to its condition at the time; no back assessment should be levied, and all back assessment hitherto levied under the orders of the S.S.O. on account of assignment of assessed wastes

should be refunded.

(4) In areas where no resurvey has been made or will be made, the S.S.O. should ~~be instructed to~~ obtain from the village officers and submit to the Government lists of unauthorised occupations of kumakis and assessed waste lands in all villages, with an estimate of their area and the assessment (the rate appropriate to their condition being assumed) that would be due on them. ~~The Board of Revenue is requested to issue instructions to have this work completed with all possible speed.~~

To the Board of Rev.(L.R. & S).
" M.R.Ry., K.R. Karant, Avl., M.L.C.
" Secretary, Kanara Landholders' Association, Mangalore.

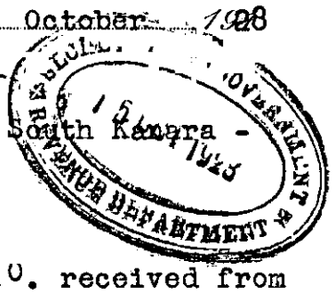
On receipt of their information, with the remarks of the Bd of Rev., the Govt. will consider further the question whether any special measures should be undertaken during the resett. for the assessment of occupied kumakis and waste lands in areas which have not been and are

CNo 3192E/28 / South Kanara.

Rev 3192 E

D.O.533.-

Board of Revenue (Land Revenue), & Sett.
MADRAS,
12th October 1928



My dear Strathie,

Settlement - Resettlement - South Kanara - Kumaki lands.

I am to enclose copy of a D.O. received from Mac Ewen on the subject.

In G.O.No.865 Rev., dated 7-5-27 it has been ordered that the question of the assignment of Kumaki lands should be dealt with in the resettlement scheme report. As observed by Mac Ewen, it is necessary that a definite pronouncement of the policy of Government should be made known to the ryots sufficiently in advance of the introduction of resettlement. I am therefore to enquire whether Government will be prepared to reconsider the question and pass definite orders in advance of the scheme report.

Yours Sincerely,
N. P. Holdsworth

D.N.Strathie, Esq., I.C.S.,
Secy. to Govt., Rev.Deptt..

Copy of D.O. from Mr.Mac Ewen, M.C., I.C.S., dated the 6th October 1928.

Assignment - South Kanara - Kumaki land - G.O.No.Mis. 865, Revenue, dated the 7th May 1927.

****

You may remember that, when we were conferring with Government at Ootacamund in the first week of July about unoccupied dry land in Malabar, Sir Norman Marjoribanks asked me incidentally about my progress with enquiries into the proposal to assign kumaki land in South Kanara at a flat rate, and that I said that the Government Order that followed the raising of the question seemd to have shelved the question until the scheme report comes up for consideration. Sir Norman said that that was not his intention and asked Strathie to look into the papers. As no reference has come to me on the subject, I think it is necessary to ask for instructions.

My point is this. When Bozman was acting for me in 1926, the matter got to the stage of making definite proposals to persuade the ryots to take up their kumaki land at a flat rate of four annas an acre; some steps were taken by Wells to find out what the ryots thought of the idea, and reports were submitted on the point. It is no new scheme; it appears to have originated in 1868 (paragraph 31 of Mr.Thomas's letter No.127, dated September 5, 1868, in B.P.No.1222, dated March 21, 1871); it was revived in 1894 (paragraph 7 of Mr.Power's letter to the Board, No.1133, dated March 15, 1894); and it was supported by the Board at the time of settlement in paragraph 56 of B.P.No.41, dated March 15, 1902. Government, however, dropped it, in their order No.513, Revenue, dated June 8, 1906. The general principle does not call for any special investigation; it is simply a matter of getting Government's orders as to whether we are to go on with the scheme. If we are to do so, what is wanted, I think, is plenty of time to broadcast the scheme and to get the ryots to apply for the land. It is not a thing that can be rushed through - if it is to be successful - in the short interval between the Government

orders on the scheme report and the introduction of the re-settlement rates. It seems essential to give the ryots a couple of years or thereabouts to get their applications in gradually; and, without definite orders accepting the proposal, I cannot set about giving effect to a proposal that is, as matters now stand, not even provisionally accepted.

think it as well, too, to say at this stage that an appreciable number of the better-educated ryots think that the shelving of the question means that they will in the end get their kumaki land free of assessment; I suggest to the Board that a definite pronouncement to the contrary, at a very early date, will clear the air considerably.

From an administrative point of view there is one considerable difficulty over the present position In Taluks that are not to be resurveyed, kumaki lands that are assigned will have to be mapped during supplemental survey; this will undoubtedly mean an enormous increase of the supplemental work; and, if this extra work is tobe taken in hand, no Survey or Settlement Officer can undertake to push it, along with the ordinary supplemental work, through in the short time that will elapse between the publication of the resettlement notification and the date of introduction.

Willyou kindly let me know whether a formal report is required?

(807)

9.2.28

pp 1–3 of G.O. (S)

*There is no pp1. in this file. We must call for it from the record room.

(S) in linked file

To Under Secy,

Please see the D.Os at pp 1-4 supra. On 1.7.26 the Board of Revenue made a reference to the Government on the question of the assignment of kumaki lands. It then considered that "an attempt might be made to induce the wargdars to take up their adjoining kumaki lands on patta at a favourable rate, such privilege being offered only for a limited time". Please see in this Connection the Board's Reference at pp 1-3 and 9-13, the Notes at pp 17-18 and 28-31 of G.O. No 865 Revenue dt 7-5-19. The then Secretary Mr. Hall discussed the question with H.M. C, and as a result of the discussion it was decided that the question was one for consideration as part of the resettlement scheme and that it should be dealt with in the scheme report.

2. In the circumstances stated in this D.O. at pp 3-4 supra the S.S.O. No II Party considers that the orders of the Government should be passed now as to whether he should proceed with the scheme of attempting to induce the wargdars to take up their kumaki

at a flat rate. He points out that even better educated ryots think that the shelving of the question means that they will in the end get their kumaki land free of assessment and suggests "that a definite pronouncement to the contrary at a very early date will clear the air considerably"

3 Attention is in this connection invited to B.m. No 2768E/28-1 dt 24-9-28 (in the enclosed file). The Board has not yet sent a reply to that memo. It is for orders whether the Board may be asked to raise formally the question of the assignment of kumaki lands while submitting its reply to the memo referred to above.

18/10/28

EP
18/10/28

To Under Secretary

Para 1 of Secretary's note at page 1 supra

B.P. No. mis 826 RS dt 11-4-1917 referred to at page 25 c.f. is based on Go. No 969 Rev dt 3-4-1917. In connection with a Legislative Council Question the Board reported in 1917 that back assessment at garden rates was generally levied from the year of settlement in respect of house sites on kumakis if they contained the prescribed number of garden trees to the acre at the time of settlement, that in the Mangalore taluk, however, back assessment was never collected for more than 10 years and that this practice might be applied uniformly to the whole district. In Go. 969 Rev dt 3-4-1917 the Government accepted the Board's proposal.

The S.S.O. has attempted to justify the levy of back assessment in paras 4 and 5 of his letter at pp 19-21 c.f. The S.S.O. holds that the motive of the ryot for enclosing the kumaki is to push his permanent occupation further and further hoping that this assessable occupation will go unnoticed. It is on this assumption that back assessment has been levied. There is no other justification for the levy of back assessment.

It has been unofficially ascertained from the Board of Revenue that the B.P. in question cannot be traced in the available records

© pp 10-11 of ©

Item (3) at p 11 of ©

p 25 of ©

Para 2 of Secretary's Note

The resurvey of the Coast villages of the old Kasaragod taluk was sanctioned in G.O. No 987 Rev dt 1-7-1924

The survey of the (17) Kumeri villages (area. 334.54 sq. miles) of the Kasaragod taluk was ordered in G.O. No 2082 Rev dt 20-10-1927.

Thus the survey or the resurvey of all the villages in the present Kasaragod taluk has been ordered by the Government

The Government have ordered that a complete resurvey of the Mangalore, Udipi Coondapur and Puttur taluk is not necessary The Board has been asked to report in due course what survey staff will be needed to deal with such survey work as may be necessary to bring the records in these taluks up to date in the course of resettlement

2 Areas the resurvey of which has been Completed :- The resurvey of the Coast villages in all the three taluks has been Completed. and on 1-4-1928 it was reported that the balance of the area of Kumeri villages to be resurveyed was 273 Sq. miles.

3 (i) For the progress of re-settlement operations in the old Kasaragod taluk comprising of the villages in the present Kasaragod

(H) Lis Lat pp 10-12 of 1496 - 7-12-23 + A at p 19 of (J)

(G) A ⊗ 97 villages of the Present Kasaragod Taluk
25 villages of the Mangalore taluk
(K) 31 villages of the Puttur taluk

⊗ A at p 7 of (R) (114) - p 3 of G.O. in (Q)

G.O. No 2237 / 26-9-28 (T)

G.O. No 1853 / 11-8-28 (W)
(No report has been received about Karkal. It has been unofficially stated that as it formed part of old South Kanara taluk the orders for Udupi will apply to Karkal)

p 3 of G.O. in (U)

of G.O. No 2836 / 5-12-26 (X)

Mangalore and Puttur taluks as at A at p 4 supra) please see the statement at page 5 of G.O. No 87 Revt dt 28.1.1929.

(ii) The Board of Revenue has reported that preparation of accounts preliminary to the issue of rough pattas including field inspection for some villages of the Mangalore taluk will be in progress in 1929-30.

(iii) No proposal has been received for the starting of work in the other taluks of the District.

4 The several taluks of the District are due for re-settlement as shown below

(1)	Mangalore	{ Part 1932-33 " 1933-34
(2)	Karkal	{ Part 1932-33 " 1933-34
(3)	Kasaragod	1933-34
(4)	Udipi	1933-34
(5)	Coondapoor	1933-34
(6)	Puttur	{ Part 1933-34 " 1934-35

D.K.
11/2/29 Perhaps, as ordered ~ G.O 865 (2) proposals may be included in the scheme report and the actual work could be done by a special staff working under the S.S.O DRN 12/2-29

To Secretary

A draft Do is for you

Issue DOV

23/2.24

4/2/29 25.2

Revenue Department

D.O.No.2768 E/28-(2) dated 23-2-29

My dear Mac Ewen,
Holdsworth,

Settlement - Resettlement -
South Kanara - Kumaki lands - Treatment

Dr
D/- typed

The Hon the Rev Member wishes to have ~~H.M. will held~~ a discussion with you and Holdsworth / Mac Ewen on Sunday the 10th March at Adyar House at 10 A.M. on the above subject. I am to request Please attend you kindly

Yours sincerely,

DDH
23/2/29

Mac Ewen Esq., ..C., I.C.S.,
S.S.C.No.IV Party, Cannanore.

B.G. Holdsworth Esq., I.C.S.,
Secy. Board of Rev., L.R.&S.

Dhd 24/2/29

OK 23/2/29

Note
The Settlement Commissioner (Mr Broadwood) has gone to Delhi on 7-2-29 to attend the Council of State.

OK.
23/2/29

D.O. Office of the Special Settlement Officer,
Party No.IV,
Camp: Cannanore, Dated 28-2-1929.

My dear Warren,

Settlement - resettlement - South Kanara - Kumaki - treatment - Your D.O.No.2768.E/28-2, dated the 23rd of February.

If I can possibly have some information as to the points at issue it will be of assistance to me. Is it the original question of assigning kumaki at a flat rate, the last Government orders on which are in G.O.No.Mis. 865, dated the 7th of May 1927? Or is the question of the demarcation of kumaki land at re-survey, about which the Land-holders' Association has been writing to Government (Government's Memorandum No.2768.E/28-1, dated the 24th of September, 1928)? From the number of your D.O. it looks as if the latter question alone is to be discussed.

Yours sincerely,

A. MacBeat

To

D.D.Warren, Esquire, M.C., I.C.S.,
Under-Secretary to Government, Revenue Department
M A D R A S.

D.C. No 2768 – E/28-3

My dear MacEwen

Kimaka Lands

Your D.O dy 28.2.28

The orders passed on the representations made by the Kavar Landholders Assocn. and the original q.n. of abolishing Kimaka dealt with in G.O. 865 dy 7.5.27 will be discussed & understood when we

Telegram

Issue Telegram & Postcards
VE today

D
Telgm 11 MAR 1929

(E)

To

[A. R] MacEwen [Esquire
[I.C.S.] Special
Settlement officer [No IV
Party] Canara

Settlement - Resettlement
- South Kanara - Khumaki
lands - treatment

My telegram eighth instant

~~[The] hon'ble~~ [the] Revenue
Member will discuss the
[above] subject on
Wednesday [the] thirteenth
instant [at] Adyar house [at
10 A.M.

11.3.29

11.3.29

11/3/29

11

D.O. 27.6 & E 28 ... 5 Dt. 11.3.29

My Dear Hollsworth.

Settlement - Resettle
ment South Kanara -
Khumaki lands - treat-

ment Mag. N.O.C. Date

23rd Feb 1929

The Hon'ble the Revenue Member will discuss the above subject on Wednesday the 13th inst at Adyar house at 10 A.M.

I am very sorry that the change of plan was not intimated to you earlier. Government before Sunday

yours sincerely

RDV
11.3.29

11 MAR 1929

To.

B. Q. Habibullah

Secretary, Board of Revenue
Local

Telegram sent 13 3 29 - 11 a.m.

Kumaki discussion with Tahsildar Sunday Seventeenth Adyar House ten o'clock

13 3 29

C. 4 19 G POSTS TELEGRAPHS 14 3 38

NOTICE.

This form must accompany any inquiry made respecting this Telegram.

Charges to pay. Rs. A. CATHEDRAL 12 MAR 38 Office Stamp.

Handed in at (Office of Origin) | Date. | Hour. | Minute. | Service Instructions. | Words.

TO

Recd. here at H. M.

Your wire Kumarika Dr&h
was only Reached me
this-th evening request
further instructions
early date in View Schem
Submitted programme

Settlement - Rotorua

...ment - South Kaiwara

Hunuaki lands.

For discussion on Wed
13th March 1929 at 10 am
at Adyatthouse.

For submission to Secy

DSV
12.3.29

12/3/29

S

appt for Sunday 17th 10 a.m.
Adyar House - tele appt
Hotel Auckland
to ML
13.3.29

To undersecy A alone

A Dotem whilde worth is foorbips:

It is learnt from the undersecy that a

Telegram to Mr. A R. MacEwen has already been sent Yesterday (13.3.29) asking him to attend the discussion on 17.3.29

P.T. 14.3.29 Mr 4/3/29

Issue DPH 14/3/29

Rev 832 E 14-3-29

2 Mr 14/3.

Rev. Sett. Party No. IV,

Cannanore.

March 13, 1929.

My dear Mr. Pate,

As soon as I got your wire about th 'kumaki' discussion, late yesterday evening, I wired o to let you know that it was too late. Your wire, whic left Madras early on the 11th afternoon, did not reach Cannanore until early yesterday (12th) morning and, as it was addressed to me by name the office did not open it; even if they had, they could not have caught me in time, as I was then on my way back from South Malabar by road.

I trust that I will get as long notice as possible of the date of the discussion (if it has been adjourned). I am, and have been, out continually on scheme report inspections and interviews with ryots, working on a "Gazette"-ed programme; I cancelled

one camp over last week-end, and, after ye
wire, I am not sure where I stand for my nex
May I know by return, if possible, to what da
discussion was adjourned?

Yours sincerely,

C. MacBean

H.R.Pate, Esq., I.C.S.,

Secretary to Government,

Revenue Department.

Copy sent yes
Ind
14/32

Ol. Copy telegramme

From. The Special Settlement Officer
Devereux Settlement Party No 4
Cannanore.

To. The Secretary to Government
Rev Department Fort St.
George Madras.

Express ordinary

Date. Express
12th March 1929

Ex 1120
Pol
14/3

Post copy telegram

14MAR1929

your wire (dated the eleventh) (in regard to) Kumaoni discussion only reached me (on the twelfth evening. (I) request further instructions (at an) early date in view (of the) scheme report camping (already fixed) according to published programme

DESPATCHED
12MAR1929

Settlement

A. Padmanabhaiah

21/14/3

D.O. 2768/E 28.6 dt 14.3.29

VC

14/3

DT 14.3.29 1.30 pm

Followed NF

My Dear Holdsworth:

Settlement – Resettlement – South Kanara – Kumaki lands – Treatment – My D.O. dated 11th March 1929

I am to inform you that the discussion on the above subject has been adjourned to Sunday the 17th March 1929 at 10 Am. at Adyar house. I am to request you to be present on that day

Yours sincerely.

14/3/29

B. G. Holdsworth Esq. ICS
Secretary, Board of Rev. L&S.

DT 14.3.29

14/3/29

close file

14/3/29

Revenue DEPARTMENT.

C.F. 31

CURRENT No. 2/802

Received. 31 AUG 1929 492 Registered 31 8 1929.

Subject.

Assignment - (South Kanara) - Old Kasaragod taluk - Occupation in Kumaki -Letter from the Special Settlement Officer NO. IV Party -Recorded.

To Secy

Submitted for perusal may be lodged and stitched with Go. No 661 Rev dy 27-3-1929.

5/9/29

ENCLOSURES.
No.
Spare copies

Resolution No. Rt. 5768

Station Madras, *Dated the* 26th August 1929.

From

The Board of Revenue, Land Revenue and Settlement, etc.

C.W.E.Cotton Esq., C.I.E., I.C.S.,
Commissioner of Land Revenue and Settlement.

Read the following:

Letter from A.R.Mac.Ewen Esq. M.C. I.C.S., Special Settlement Officer No.IV Party Cannanore No. R.O.C.524/B & C/28-6 dated 16th August 1929.

Resolution

R e c o r d e d.

(True extract)

Assistant Secretary.

To the Special Settlement Officer No.IV Party.
Copy to the Secretary to Government, Revenue Department.
Copy to the Collector of South Kanara.

M.R.V./27-8-29.

Letter from A.R.Mac Ewen Esq., M.C., I.C.S., Special Settlement Officer No. IV Party No. R.Q.C. 524/B & C/28-6, dated 16th August 1929.

Assignment-South Kanara - old Kasaragod taluk-occupation in Kumaki - paragraph 4(2) (iv) of G.O. No.Misc. 661,Revenue, dated 27th of March, 1929.

In accordance with the orders of Government (communicated in B.P. No. Misc. 1012, dated the 8th of April 1929), I took proper steps to have all the ryots informed that on application to this department they could have the assignment of any portions of kumaki, not permanently occupied but enclosed by walls, cancelled. A period of 3 months was fixed for such applications; in addition to formal notification in the District Gazette, the Collector took steps to have the fact published in all the villages. Not one single application has been received within the time fixed; the subdivisions made by my staff to include such walled occupation in ryotwari land are therefore being retained.

2. I think it advisable to report the facts to the Board, for information. The Special Assistant Settlement Officer tells me that during his recent camping, not a few ryots have anxiously enquired, not whether the cancellation of such subdivisions will be duly carried out, but whether the notification means that they are automatically to lose the land that I had assigned to them. The facts are, I submit, an enlightening indication of the amount of genuine public opinion that lay behind the representations on this subject.